

A bill for an act

relating to health professions; requiring qualifications for employment as a surgical technologist; proposing coding for new law in Minnesota Statutes, chapter 144.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[144.587] SURGICAL TECHNOLOGISTS.**

Subdivision 1. Definitions. For the purposes of this section, the terms defined in this subdivision have the meanings given.

(a) "Commissioner" means the commissioner of the Minnesota Department of Health.

(b) "Health care facility" means a health care facility licensed under section 144.50, subdivision 1.

(c) "Surgical technology" means surgical patient care that involves:

(1) preparing the operating room for surgical procedures by ensuring that surgical equipment is functioning properly and safely;

(2) preparing the operating room and sterile field for surgical procedures by preparing sterile supplies, instruments, and equipment using sterile technique;

(3) anticipating the needs of the surgical team based on knowledge of human anatomy and pathophysiology and how they relate to the surgical patient and the patient's surgical procedure; and

(4) as directed in an operating room setting, performing tasks at the sterile field, including:

(i) passing supplies, equipment, or instruments;

(ii) sponging or suctioning an operative site;

(iii) preparing and cutting suture material;

(iv) transferring and irrigating with fluids;

(v) transferring but not administering drugs within the sterile field;

(vi) handling specimens;

(vii) holding retractors; and

(viii) assisting in counting sponges, needles, supplies, and instruments.

Subd. 2. **Surgical technologists; employment.** (a) A health care facility shall not employ or retain the services of an individual to perform surgical technology tasks or functions unless the individual:

(1) has successfully completed an accredited educational program for surgical technologists and holds and maintains a certified surgical technician credential from a nationally recognized surgical technologist certifying body accredited by the National Commission for Certifying Agencies and recognized by the American College of Surgeons and the Association of Surgical Technologists;

(2) provides verification that the individual is employed to practice surgical technology in a health care facility in this state on the effective date of this act;

(3) has successfully completed an appropriate training program for surgical technology in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States or in the United States Public Health Service; or

(4) is in the service of the federal government, to the extent the person is performing duties related to that service.

(b) A health care facility may employ an individual to perform surgical technology tasks who does not meet the requirements of paragraph (a) under the following conditions:

(1) after making a diligent and thorough effort, the health care facility is unable to employ a sufficient number of individuals who meet the requirements of paragraph (a); and

(2) the health care facility petitions the commissioner for a waiver from the requirements of paragraph (a).

A waiver granted under this paragraph is valid for no longer than six months from the date the waiver is granted.

(c) A health care facility shall supervise each individual who performs surgical technology tasks to monitor the individual's competent performance of delegated surgical technology tasks and functions, following the facility's policies and procedures, this section, and any other applicable state or federal laws.

(d) Nothing in this section shall prohibit any licensed practitioner from performing surgical technology tasks or functions if the individual is acting within the scope of that practitioner's license.

3.1 Subd. 3. **Continuing education.** An individual who qualifies to be employed under
3.2 subdivision 2, paragraph (a), clause (2) or (3), shall complete 15 hours of continuing
3.3 education annually to remain qualified for employment by a health care facility.

3.4 Subd. 4. **Enforcement.** The commissioner shall enforce the provisions of this
3.5 section under the authority granted in section 144.05.